

Exhibits  
A-C

# Disclosure of Records of Officials

## Sensitive Children's Services records found in trash

By Bill McKinney  
News Staff Reporter

(Part 10 of a series)

During a month-long investigation into the operations of Children's Services of Erie County, the Morning News has obtained several hundred confidential agency documents relating to child abuse, shelter care and foster care, all obtained by a source outside the agency itself.

Although "breach of confidentiality" is one of the most serious offenses under the Child Protective Services Law (CPL), the NEWS source said it had "no difficulty" obtaining the documents.

The documents included a copy of a letter from the

agency to a child's mother

in which the agency stated that the child was "in need of medical attention" and that the agency was "unable to locate the child's mother."

A copy of a letter from the agency to a child's father in which the agency stated that the child was "in need of medical attention" and that the agency was "unable to locate the child's father."

A copy of a letter from the agency to a child's grandmother in which the agency stated that the child was "in need of medical attention" and that the agency was "unable to locate the child's grandmother."

During the alleged period of the agency's investigation into the operations of Children's Services of Erie County, the NEWS source said it had obtained several hundred confidential agency documents relating to child abuse, shelter care and foster care, all obtained by a source outside the agency itself.

Although "breach of confidentiality" is one of the most serious offenses under the Child Protective Services Law (CPL), the NEWS source said it had "no difficulty" obtaining the documents.

The documents included a copy of a letter from the agency to a child's mother in which the agency stated that the child was "in need of medical attention" and that the agency was "unable to locate the child's mother."

A copy of a letter from the agency to a child's father in which the agency stated that the child was "in need of medical attention" and that the agency was "unable to locate the child's father."

All expressed shock at the sensitivity of the information on the documents that had been thrown into the trash.

"We'd better get this stuff taken care of before the word spreads and those perverts get their hands on it," Judge Anthony said.

"I don't have control over the agency records, but I can control the way they are handled," Judge Anthony explained.

Holding documents detailing an illegitimate birth, which named both mother and father, and others on adoption

proceedings, Anthony said, "These could be very embarrassing."

Sen. Orlando pointed out that the confidentiality of the records Act 124 was "wrecked by careless handling." He said people would be reluctant to deal with Children's Services if they knew their names could be "blown in the wind."

"How can you foster confidentiality, and then let something like this happen?" asked Sen. Orlando. "That is horrible. It can't be allowed to happen again."

At a July 20 hearing, Sen. Orlando said that the hearing was "a waste of time" and that there was "no way of telling who else might have

been hearing documents an alleged sexual assault of a child by the parents.

• Confidential summaries regarding specific behavior

agency involvement with families, where abuse allegedly occurred. — Minutes detailing the act alleged to have been committed against a child

in Orange, on Thursday at between, the NEWS met with the three men in Robinson's office, and turned over the documents to Judge Anthony and Robinson.

an illegitimate birth, which named both mother and father, and others on adoption

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# OCY expenses add to county's legal bills

"Leone said the county's four attorneys each have an average of \$25,000, according to records. OCY solicitor paid a year as well as \$2 to \$71.75 an hour OCY records. Typically deal with issues for families cases of neglected children. At MacDonald, IL county at a rate of \$100 an hour in the County in the County. The County, Roger Taft, was at an hourly rate of \$100 an hour. The overall cost of the OCY expenses. The bill is not ratio said he is satisfied with the work of MacDonald. The Schenker administration forced her to resign to get back at her for being a whistleblower. Conley's ouster came about a month and a half after she testified in court against her supervisor at OCY, whom Conley said altered court records. The Schenker administration has disputed that claim.

"We were ready to go," he said of the Civil Service case. "We were ready to win the case and I am convinced we would have won if it had gone forward." Conley withdrew her claim because the proceeding was "not in her best interest," according to a letter on file with the Civil Service Commission. Conley last week said her lawyers have told her not to comment on her case. The \$56,371 spent on the Conley case is the second large expenditure the Schenker administration has paid over OCY personnel issues in the past year. In August, in an agreement the administration initially tried to keep secret, the county paid a \$100,000 settlement to fired OCY caseworker David A. Dows.

In her Civil Service appeal, Conley said county officials told her the day of her resignation that she had violated OCY rules by using her office e-mail to disclose the telephone number of an OCY client to the client's former caseworker. Conley said she did nothing wrong. The Schenker administration disagrees. The county's personnel director, Peter Callan, said in an October memo that Conley disclosed a confidential OCY court order "with the intent of alerting" the pregnant mother who was the subject of it.

Onorato, in an interview last week, said the county has "mounted a vigorous defense" against Conley because of her "egregious breach of confidentiality" regarding the court order. He said the county does not want Conley to return to OCY. "In essence," Onorato said of the \$56,371 legal bill, "the fee was being spent in the defense of children."

ED PALATTELLA can be reached at 870-1813 or by e-mail.

## County settles negligence suit

County has settled a lawsuit with an Erie family that charged the county's Office of Children and Youth was negligent concerning incidents of alleged sexual abuse against an adopted girl. Under the settlement, the county will pay the girl and her adopted family \$15,000.

The suit was filed in 1989 by a couple identified only as R.F. and P.F., and for their adopted daughter J.F. The girl had been placed in the custody of Children and Youth in 1964 and was placed with foster parents, who eventually adopted her. The couple claimed that J.F. was required to have supervised and unsupervised visits with her natural mother. During such visits, the couple alleged, the girl suffered physical and sexual abuse by the natural mother, the mother's boyfriend and the girl's brother.

The couple claimed in its suit that the county agency had a duty to protect the child from such abuse during visits. The settlement, however, states that the agency is not responsible for protecting the child during parental visits.

Couple said county agency responsible for protecting child during parental visits. The \$15,000 settlement with the county, approved last week by Erie County Judge Roger Fischer, provides for legal, medical and other expenses incurred by the family. Included in the expenses cited by the family is the cost of constructing a separate bathroom for J.F. for the needs of the child and the security of the couple's other children. Bruno said the separate bathroom was needed for the child's privacy and to prevent her from trying to act out similar molestations on the couple's other children. He said the child and the family have been through a lot, but the girl is getting better.

aw firm: OCY expenses add to county's legal b

~~ell, said John Onorato, the~~  
itor for the Schenker ad-  
stration.

County has a staff of independent lawyers on retainer. The former administration hired Donald, Illing to handle Conley's case because of the firm's expertise in labor law and because of a unique circumstances of Conley case, Onorato said. Onorato said he and some of county's other in-house attorneys, including those at OCY, involved in the personnel fight against Conley and were not witnesses in a case over Conley's ouster. Defending the county in a case while being a witness would be "difficult and almost impossible," he said. He said he was substituted to testify at the hearing, but the county's liability insurance legal claims provides no coverage unless Conley were to sue Onorato, Onorato said. But he believes the state government will reimburse him for part of the bill. The \$56,371 bill has become a part of County Councilman Deane, a frequent critic of the former administration, said.

solicitor's staff?" Leone said.

Onorato's retainer is \$31,000 a year, and the county's four assistant solicitors each have an annual retainers of \$25,000, according to county records. OCY

"We were ready to go," he said of the Civil Service case. "We were ready to win the case and I am convinced we would have won if it had gone forward."

Conley withdrew her claim because the proceeding was "not in her best interest," according to a letter on file with the Civil Service Commission. Conley last week said her lawyers have told her not to comment on her case. The \$56,371 award.

any case is the second large expenditure the Schenker administration has paid over OCY personnel issues in the past year. In August, in an agreement the administration initially tried to keep secret, the county paid a \$600,000 settlement to fired OCY caseworker David A. Dows.

Colley, 43, had worked for the county for 13 years, including the last four years at OCY, when she signed Sept. 10.

Conley claimed the Schenker administration forced her to return to get back at her for being a whistleblower. Conley's father came about a month and half after she testified in court against her supervisor at OGC, whom Conley said altered court records. The Schenker administration has disputed that claim.

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**ED PALATTELLA**  
Reached at 870 1813

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Erle County has settled a lawsuit with an Erle family that charged the county's Office of Children and Youth was negligent concerning incidents of alleged sexual abuse against an adopted girl.

Under the settlement, the county will pay the girl and her adopted family \$15,000.

The suit was filed in 1989 by a couple identified only as R.F. and P.F., and for their adopted daughter T.E.

The girl had been placed in the custody of Children and Youth in 1984 and was placed with foster parents, who eventually adopted her.

The couple claimed that J.F. was required to have supervised and unsupervised visits with her natural mother. During such visits, the couple alleged, the girl suffered physical and sexual abuse by the natural mother, the mother's boyfriend and the girl's brother.

The couple claimed in its suit that the county agency had a duty to protect the child from such abuse dur-

**Couple said county agency responsible for protecting child during parental visits.**

ing visitations and should have recognized problems existed.

John Petulla, director of the Office of Children and Youth, said the settlement is not an acknowledgement that the agency erred in this case, but a sign that the agency agreed that parents need help in dealing with the child's special needs.

The couple filed suit after county officials refused a request for a state subsidy to help care for the child's special needs as a result of the abuse. Their lawyer, James J. Brundo, said the couple never sought anything more than the aid to which they believed they were entitled. "These are very special people."

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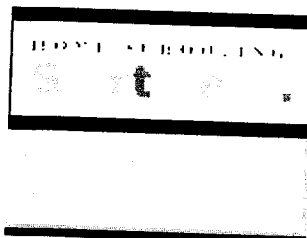
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## Tennessee

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April 10, 2002

### ***Horn v. Brown***

### **Civil rights violated through wrongful arrest**

**Filed:** March 1, 2001, U.S. District Court at Jackson.

**Nature of Case:** This civil rights lawsuit for violation of the right to direct the education of one's child and for false arrest arises out of the criminal prosecution of the mother of a five-year-old. The child was not enrolled in public school, but the school official was told by the child's grandmother that the mother was planning to home school and that the child "should be in school." The attendance officer filed the criminal complaint after speaking with Mrs. Horn and learning that she was, in fact, planning to home school. The official admits knowing that the child was not yet compulsory attendance age when he filed. Mrs. Horn was arrested, but the criminal case against her was dismissed upon HSLDA's notice of representation. On March 1, 2001, HSLDA filed a lawsuit on behalf of Mrs. Horn for violation of her civil rights.

**Status:** On April 4, 2002, the parties agreed to a settlement.

**Last Updated:** April 10, 2002.

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OFFICE OF  
CHILDREN, YOUTH & FAMILIES

Mailing Date  
February 21, 2003

A handwritten signature in black ink, appearing to be "M. Bibbs".

CHILDLINE & ABUSE REGISTRY  
DEPARTMENT OF PUBLIC WELFARE  
HILLCREST, 2ND FLOOR  
P.O. BOX 2675  
HARRISBURG, PA 17105-2675  
TELEPHONE NO. (717) 783-1964

VICTORIA BIBBS  
1725 W 14TH ST  
ERIE PA 16505

Child : CHARLES BIBBS  
Report No : 250011006  
Agency: ERIE

DEAR MS. BIBBS :

The above named child was reported as a victim of suspected child or student abuse.

The agency listed above has investigated the report and determined it was Unfounded or Unfounded for School Employee because of one of the following : (1) the incident did not occur, (2) the injury was not of a serious nature, or (3) substantial evidence was not found.

The Child Protective Service Law states that unfounded reports must be retained one year from the date the report was made. This is to notify you that the above listed report has been expunged by this office.

We are required to inform you that this action has been taken because your name was listed on the report as the perpetrator of child abuse or student abuse. Within 120 days after the year has passed, it will be expunged by the investigating agency. However, if the investigation reveals that the child and family need social services provided or arranged by the investigating agency, the records will be retained by them.

If you have questions concerning the report, you may contact the investigating agency at (814) 451-6600.

Issued by : ChildLine & Abuse Registry





## CHILD ABUSE PROBES

he "control questions" and he "did you questions" central to the charge.

He said the control questions were questions that ideally should not have elicited a response but, in her case, they did. The test proved her neither guilty nor innocent.

Carl Triola, director of Children's Services, said Roger's accusation that he had been instructed not to inform police differed from what he (Triola) had been told by the current caseworker involved.

He said the first caseworker for Roger's children is no longer with the agency. Triola said he did have reservations about one aspect in the handling of the case.

Regarding the court order for Roger to send the children to weekend visits, Triola said, the caseworker should have told the judge directly about

our investigation and not assumed that the attorney (Roger's) would tell him.

He said the caseworker said she had advised the attorney to tell the judge but Triola said she should not have assumed he would.

"She should have told the judge herself and left it up to the court to decide if the visits were safe."

Mary said she feels the children should be in a foster home until this abuse case is resolved since Roger is living with another woman.

"I told the caseworker that several times but all she said was that she didn't think it was necessary. That the children were in a situation similar to the one they had been in when Roger and I were living together."

Roger and Mary were never married, and the children are now living with their father and another woman whom Roger said is referred to as "mother" by the children, at his instruction.

The NEWS also spoke with Roger's legal wife, Judy, who has custody of a child she had

while married to Roger. She also said she had never been contacted by Children's Services.

"I went to them after these charges came out in the newspaper," she said. "I read them the riot act. A supervisor there said he'd have a caseworker contact me."

"Three weeks went by and nothing. I called and started yelling again. The supervisor said he'd forgotten to give the caseworker the message. She called the next day."

Roger's wife said she is prepared to testify in court on behalf of Mary even though Mary had lived with her husband for years.

"I really want to find out what kind of investigation Children's Services did on this case," she said angrily. "They are something else."

(To be continued)

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Continued From Local Page  
the strengths she can to

FLORIDA?  
SEE PAGE 10B

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ERIE, PENNSYLVANIA 16507

Erie Co. Children's Youth  
Welfare Services

Orlando calls for 2

## Triola: Security breach

By JEFF PINSKI  
NEWS Staff Reporter

Erie County Children's Services Director Carl Triola said Friday the security breach that allowed confidential documents to be deposited nightly in a dumpster outside his office is "the most devastating thing that's happened to me in 16 years of social work."

Meanwhile, State Senator Queiroz, Orlando of Erie called for a strengthened probe of the Children's Services operation.

one by the state and the other by the county.

The Morning News revealed Friday that during its month-long investigation of Children's Services, it had been given highly sensitive agency papers that had been obtained by a citizen from a trash bin outside the Community Services Building at 4th and Cherry.

The Morning News asked for a meeting Thursday with County Executive Russell "Robbie" Robison, Juvenile Court Judge Fred Anthony,

and Sen. Orlando. NEWS representatives met with the three men in Robison's office, and handed over the confidential documents.

Robison told Children's Services that its disposal method would have to "stop dead in its tracks right now." He ordered the agency to immediately remove documents that were in the dumpster, and to insure that no more such papers were tossed there. The files were cleaned out Thursday evening.

The Pennsylvania Child Protective Services Law (Act 124) clearly spells out that such sensitive papers are to be destroyed.

"I must assume complete responsibility for this," Triola said Friday. "I assumed that these papers were being burned as required by the law. I should have followed up on it, but didn't, and if my job is in jeopardy because of this, it's only because it was my fault."

Triola said, "This is the first time



*calls for 2-pronged probe*

ERIE, PA., TIMES-NEWS, Saturday, April 1, 1978

# breach 'most devastating'

TN

Pennsylvania Child Protection Law (Act 124) is but that such acts are to be assumed complete. Triola said that an incinerator was installed in the basement of the building when it was constructed specifically for destroying confidential material.

"I mean, why else would you want to put an incinerator in a small building like this? I just naturally as-

sumed it was being burned."

According to Triola, the dumpster has been in use at the county building for about two years. He said it was possible the information has been dumped there for the entire two years.

"I have no bone to pick with the newspaper on this because I probably never would have learned of this without the help of the newspaper."

When legislators drafted Act 124, they provided that any breach of confidentiality was

to be the subject of "legislative oversight" that a legislative review rather than a review by the Department of Public Welfare would be called for.

"I'll begin proceedings in the Senate to have an overview conducted by the state," Sen. Orlando said Friday. "But this should be accompanied by an investigation by the new county government into the operation of Children's Services. There is simply no reason to do this twice when it can be done together and at

the same time."

Sen. Orlando said he will introduce the required resolution before the Senate on Monday.

County officials will also begin looking at shredding machines on Monday to determine if one should be purchased to destroy the documents in the future.

"I think we have to weigh the costs here and determine whether the incinerator or the shredder should be used," Triola said. "We should use whatever is economically feasible for the county."

